



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,647	11/28/2000	Carey Cooper	04707.84238	4592

22907 7590 08/24/2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,647

Applicant(s)

COOPER, CAREY

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9-11,29-31 and 33-40 is/are rejected.
- 7) ☒ Claim(s) 3,7,8 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pultruded connectors interposed between adjacent vertical wall panels for bounding together.... having opposed receiving pockets configured [to] receive and seal an interior of said enclosure" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The brief descriptions of Figs. 28 and 29 do not appear to correspond with what is shown by Figs. 28 and 29 respectively.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject which the applicant regards as his invention.

Claims 9, 29, 31, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3673

It is not clear as to what is being defined by the language of claims 31 and 33. The specification does not appear clear as to any "pultruded connectors interposed between adjacent wall panels for bounding together having opposed receiving pockets configured [to] receive and seal an interior of said enclosure" or "the connectors further comprise a two receiving pockets being opposed longitudinally".

Claim 9, lines 4-5, it is not clear as to what is being defined by "including at least one selected from the group consisting of..." To what does one refer?

Claim 29, it is not clear as to what is being defined by "a unidirectional roving therein the fiber resinous composite matrix".

Claim 31, it is not clear as to what is being defined by "...for bounding together". It is not clear as to what is being "bound" to what. Line 4, it is not clear as to what is being defined by "configured receive and seal".

Claim 33, it is not clear as to what is being defined by "a two receiving pockets".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 10, 11, 29-31, and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Rothman.

Moore discloses, Figs. 1, 3, 4, 5, 7-9, and 17-19, an enclosure having connecting wall, floor, and ceiling panels 24 formed of fiber resinous composite matrix having glass fibers, col. 2, lines 6-7, with planar sheet 116, 114 or 28, 36 attached to a plurality of spaced support members 32 disposed therebetween forming spaced interstitial pockets interposed between the planar sheets. Overlapping joint is formed as can be seen in Figs. 3, 4, 7, 8, and 9. Bulkhead panel is any panel of the Moore structure, particularly those preventing passage. Fiber resin angle members or connectors 52, 66, 76 serve to bond longitudinal wall panels to lateral wall panels as well as wall panels to either ceiling or floor panels. Figs. 17 and 19 show each panel as comprising sections that individually do not extend the entire longitudinal length of the panel with ends of the sections abutting against each other. What Moore appears to lack is a specific teaching of forming panels with the fiber resinous composite having a unidirectional roving along the panel facing or along the web of the support members as well as forming the panels with at least 40% fiberglass by weight.

Rothman discloses, Figs. 1, 4, and 5, an enclosure having connecting wall, floor, and ceiling panels 20 formed of fiber resinous composite matrix having unidirectional glass fiber rovings, col. 7, lines 41-51. The panels comprise at least 40% fiberglass by weight, col. 7, lines 48-50.

To have formed the Moore panels as a fiber resinous composite having a unidirectional roving along the panel facing or along the web of support members 32, thus providing improved longitudinal strength in the direction of the fibers, as well as have provided Moore with at least 40% fiberglass by weight, thus providing necessary

Art Unit: 3673

strength and stability to each composite panel, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made, as taught by Rothman.

Claims 6 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Rothman as applied to claims 1, 2, 4, 5, 10, 11, 29-31, and 34-40 above, and further in view of either Beckerman or Ohnishi et al.

Beckerman discloses forming a high strength panel of a fiber resinous composite matrix having aramid fibers, col. 9, lines 32-36 while Ohnishi et al. teaches discloses forming a high strength panel of a fiber resinous composite matrix having glass or aramid or graphite fibers, col. 7, line 10. To have formed the modified More panels of a fiber resinous composite matrix having aramid fibers, thus producing a high strength panel assembly, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made, as taught by either of Beckerman and Ohnishi et al.

Claims 3, 7, 8, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 33 would be allowable if rewritten to overcome the rejection(s) under 35 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 03, 2003, with respect to Moore as modified by Rothman, have been fully considered but are not persuasive. The panel assembly of Moore, as modified, serves to read upon the article defined by the respectively rejected claims. Applicant argues "pultrusion" however, the product of Moore as modified and, the final product of the instant invention, (i.e., fiber resinous composite matrix with unidirectional fiber rovings), are one and the same. Otherwise, see Examiner's remarks concerning product by process in the response to arguments of the previous Office action.

As for Applicant's argument to Rothman distinguishing between "pultruded" and "unidirectional orientation", Rothman teaches advantages of forming structural members possessing unidirectional glass filaments, (see col. 7 of Rothman). As such, forming the Moore composite panels with a unidirectional orientation of glass fibers would serve to establish the advantages taught by Rothman.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3673

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner be directed to M. Safavi whose telephone number is (703) 308-2168.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**

M. Safavi
August 10, 2004